

By Senator Garcia

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1 A bill to be entitled
2 An act relating to expressway authorities; amending s.
3 338.165, F.S.; revising provisions for toll rate
4 adjustments to limit applicability to certain
5 authorities; amending s. 348.0003, F.S.; revising
6 governing body membership provisions for certain
7 authorities; amending s. 348.0004, F.S.; revising
8 powers of certain authorities to increase tolls and
9 incur debt; revising authorized use of surplus
10 revenues; providing that certain toll increases are
11 rescinded and such tolls must be reduced by a
12 specified date; requiring certain authorities to
13 provide periodic financial audits to the governing
14 body of the county; amending s. 348.0005, F.S.;
15 revising authority of certain authorities to issue
16 bonds; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsection (3) of section 338.165, Florida
21 Statutes, is amended to read:

22 338.165 Continuation of tolls.—

23 (3) Notwithstanding any other provision of law, the
24 department, including the turnpike enterprise, shall index toll
25 rates on existing toll facilities to the annual Consumer Price
26 Index or similar inflation indicators. Toll rate adjustments for
27 inflation under this subsection may be made no more frequently
28 than once a year and, except as provided in s. 348.0004(2), must
29 be made no less frequently than once every 5 years as necessary

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30 to accommodate cash toll rate schedules. Except as provided in
31 s. 348.0004(2), toll rates may be increased beyond these limits
32 as directed by bond documents, covenants, or governing body
33 authorization or pursuant to department administrative rule.

34 Section 2. Paragraph (d) of subsection (2) of section
35 348.0003, Florida Statutes, is amended to read:

36 348.0003 Expressway authority; formation; membership.—

37 (2) The governing body of an authority shall consist of not
38 fewer than five nor more than nine voting members. The district
39 secretary of the affected department district shall serve as a
40 nonvoting member of the governing body of each authority located
41 within the district. Each member of the governing body must at
42 all times during his or her term of office be a permanent
43 resident of the county which he or she is appointed to
44 represent.

45 (d) Notwithstanding any provision of ~~to the contrary in~~
46 this subsection, in any county as defined in s. 125.011(1), the
47 governing body of an authority shall consist of nine ~~up to 13~~
48 members, and the following provisions of this paragraph shall
49 apply specifically to such authority. Except for the district
50 secretary of the department, the members must be residents of
51 the county. Four ~~Seven~~ voting members shall be appointed by the
52 governing body of the county. At the discretion of the governing
53 body of the county, up to two of the members appointed by the
54 governing body of the county may be elected officials residing
55 in the county. Four ~~Five~~ voting members of the authority shall
56 be appointed by the Governor. One member shall be the district
57 secretary of the department serving in the district that
58 contains such county. This member shall be an ex officio voting

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59 member of the authority. A member of the authority appointed by
60 the governing body of the county or appointed by the Governor
61 may not serve as a member of any other transportation-related
62 board, commission, or organization, such as the Florida
63 Transportation Commission or a metropolitan planning
64 organization, while serving as a member of the authority. If the
65 governing board of an authority includes any member originally
66 appointed by the governing body of the county as a nonvoting
67 member, when the term of such member expires, that member shall
68 be replaced by a member appointed by the Governor until the
69 governing body of the authority is composed of four ~~seven~~
70 members appointed by the governing body of the county and four
71 ~~five~~ members appointed by the Governor. The qualifications,
72 terms of office, and obligations and rights of members of the
73 authority shall be determined by resolution or ordinance of the
74 governing body of the county in a manner that is consistent with
75 this paragraph and subsections (3) and (4).

76 Section 3. Paragraphs (e) and (f) of subsection (2) and
77 subsection (7) of section 348.0004, Florida Statutes, are
78 amended to read:

79 348.0004 Purposes and powers.—

80 (2) Each authority may exercise all powers necessary,
81 appurtenant, convenient, or incidental to the carrying out of
82 its purposes, including, but not limited to, the following
83 rights and powers:

84 (e)1. To fix, alter, charge, establish, and collect tolls,
85 rates, fees, rentals, and other charges for the services and
86 facilities system, which tolls, rates, fees, rentals, and other
87 charges must always be sufficient to comply with any covenants

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88 made with the holders of any bonds issued pursuant to the
89 Florida Expressway Authority Act. However, such right and power
90 may be assigned or delegated by the authority to the department.
91 Notwithstanding any other provision of law, but subject to any
92 contractual requirements contained in documents securing any
93 indebtedness outstanding on July 1, 2014, that is payable from
94 tolls, in any county as defined in s. 125.011, the authority may
95 increase tolls only to the extent necessary to adjust for
96 inflation pursuant to the index toll adjustments provided under
97 s. 338.165. Notwithstanding s. 338.165 or any other provision of
98 law, in any county as defined in s. 125.011, any such toll
99 increase pursuant to the index toll adjustments provided under
100 s. 338.165 must first be approved by resolution adopted by a
101 supermajority vote, consisting of one vote greater than a
102 majority, of the governing board of the county. Notwithstanding
103 s. 338.165 or any other provision of law, in any county as
104 defined in s. 125.011, toll rates may not be increased beyond
105 the index toll adjustments provided under s. 338.165 unless
106 required for compliance with contractual requirements contained
107 in documents in existence on July 1, 2014, securing any
108 outstanding indebtedness payable from tolls. Notwithstanding s.
109 338.165 or any other provision of law ~~to the contrary,~~ in any
110 county as defined in s. 125.011~~(1),~~ to the extent surplus
111 revenues exist, they may be used only as provided in s.
112 338.165(2) or to pay debt obligations outstanding on July 1,
113 2014 for purposes enumerated in subsection (7), provided the
114 expenditures are consistent with the metropolitan planning
115 organization's adopted long-range plan. Notwithstanding any
116 other provision of law ~~to the contrary,~~ but subject to any

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117 contractual requirements contained in documents securing any
118 outstanding indebtedness payable from tolls, in any county as
119 defined in s. 125.011~~(1)~~, the board of county commissioners may,
120 by ordinance adopted on or before September 30, 1999, alter or
121 abolish existing tolls and currently approved increases thereto
122 if the board provides a local source of funding to the county
123 expressway system for transportation in an amount sufficient to
124 replace revenues necessary to meet bond obligations secured by
125 such tolls and increases.

126 2. In any county as defined in s. 125.011, any toll
127 increase after January 1, 2014, and any toll increase approved
128 to take effect after January 1, 2014, which do not comply with
129 subparagraph 1. are rescinded. Any such toll that was increased
130 after January 1, 2014, which increase is rescinded by this
131 subparagraph, must, by August 1, 2014, be reduced to the rate
132 that existed as of January 1, 2014.

133 (f) In any county as defined in s. 125.011~~(1)~~, until July
134 1, 2014, to borrow money, make and issue negotiable notes,
135 bonds, refund bonds and other evidence of indebtedness, either
136 in temporary or definitive form, of the authority, which bonds
137 or other evidence of indebtedness may be issued pursuant to the
138 State Bond Act, or in the alternative, pursuant to the
139 provisions of s. 348.0005(2), to finance an expressway system
140 within the geographic boundaries of the authority, and to
141 provide for the security of the bonds or other evidence of
142 indebtedness and the rights and remedies of the holders of the
143 bonds or other evidence of indebtedness. Any bonds or other
144 evidence of indebtedness pledging the full faith and credit of
145 the state shall only be issued pursuant to the State Bond Act.

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146 Effective July 1, 2014, bonds may not be issued by the authority
147 or on behalf of the authority by any state agency or county
148 government, except that refunding bonds may be issued by or for
149 the authority as necessary and prudent for administration and
150 discharge of outstanding debt.

151 1. An authority shall reimburse the county in which it
152 exists for any sums expended from any county gasoline tax funds
153 used for payment of such obligations. Any county gasoline tax
154 funds so disbursed shall be repaid in accordance with the terms
155 of any lease-purchase or interlocal agreement with any county or
156 the department together with interest, at the rate agreed to in
157 such agreement. In no event shall any county gasoline tax funds
158 be more than a secondary pledge of revenues for repayment of any
159 obligations issued pursuant to this part.

160 2. To the extent allowable by federal tax law, in any
161 county as defined in s. 125.011~~(1)~~, an authority may refund any
162 bonds previously issued, ~~to the extent allowable by federal tax~~
163 ~~laws,~~ to finance or refinance an expressway system regardless of
164 whether the bonds being refunded were issued by such authority,
165 an agency of the state, or a county.

166 (7) In any county as defined in s. 125.011~~(1)~~, an
167 expressway authority must provide a complete financial audit to
168 the governing body of the county every 2 years ~~may finance or~~
169 ~~refinance the planning, design, acquisition, construction,~~
170 ~~extension, rehabilitation, equipping, preservation, maintenance,~~
171 ~~or improvement of a public transportation facility or~~
172 ~~transportation facilities owned or operated by such county, an~~
173 ~~intermodal facility or facilities, multimodal corridor or~~
174 ~~corridors, including, but not limited to, bicycle facilities or~~

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175 ~~greenways that will improve transportation services within the~~
176 ~~county, or any programs or projects that will improve the levels~~
177 ~~of service on an expressway system, subject to approval of the~~
178 ~~governing body of such county after public hearing.~~

179 Section 4. Section 348.0005, Florida Statutes, is amended
180 to read:

181 348.0005 Bonds.—

182 (1) Bonds may be issued on behalf of an authority as
183 provided by the State Bond Act.

184 (2) (a) An authority in any county as defined in s.
185 ~~125.011(1)~~, may issue only refunding bonds pursuant to this
186 part, which do not pledge the full faith and credit of the state
187 in such principal amount as, in the opinion of the authority, is
188 necessary to provide sufficient moneys to refund outstanding
189 bonds for achieving its corporate purposes.

190 (b) The refunding bonds of an authority in any county as
191 defined in s. ~~125.011(1)~~, issued pursuant to the provisions of
192 this part, ~~whether on original issuance or refunding~~, must be
193 authorized by resolution of the authority, after approval of the
194 issuance of the refunding bonds at a public hearing, and may be
195 either term or serial bonds, shall bear such date or dates,
196 mature at such time or times, bear interest at such rate or
197 rates, be payable semiannually, be in such denominations, be in
198 such form, either coupon or fully registered, shall carry such
199 registration, exchangeability and interchangeability privileges,
200 be payable in such medium of payment and at such place or
201 places, be subject to such terms of redemption and be entitled
202 to such priorities on the revenues, rates, fees, rentals, or
203 other charges or receipts of the authority including any county

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204 gasoline tax funds received by an authority pursuant to the
205 terms of any interlocal or lease-purchase agreement between an
206 authority or a county, as such resolution or any resolution
207 subsequent thereto may provide. The refunding bonds must be
208 executed by such officers as the authority determines under the
209 requirements of s. 279.06.

210 (c) Said bonds shall be sold by the authority at public
211 sale by competitive bid. However, if the authority, after
212 receipt of a written recommendation from a financial adviser,
213 shall determine by official action after public hearing by a
214 two-thirds vote of all voting members of the authority that a
215 negotiated sale of the bonds is in the best interest of the
216 authority, the authority may negotiate for sale of the bonds
217 with the underwriter or underwriters designated by the authority
218 and the county in which the authority exists. The authority
219 shall provide specific findings in a resolution as to the
220 reasons requiring the negotiated sale, which resolution shall
221 incorporate and have attached thereto the written recommendation
222 of the financial adviser required by this subsection.

223 (d) Any such resolution or resolutions authorizing any
224 bonds hereunder which do not pledge the full faith and credit of
225 the state may contain provisions that are part of the contract
226 with the holders of the bonds, as an authority determines
227 proper. In addition, an authority may enter into trust
228 indentures or other agreements with its fiscal agent, or with
229 any bank or trust company within or without the state, as
230 security for such bonds, and may, under the agreements, assign
231 and pledge the revenues, rates, fees, rentals, tolls, or other
232 charges or receipts of an authority, including any county

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233 gasoline tax funds received by an authority.

234 (e) Any of the bonds issued pursuant to this part are
235 negotiable instruments and have all the qualities and incidents
236 of negotiable instruments under the law merchant and the
237 negotiable instruments law of the state.

238 (f) Notwithstanding any provision ~~of the provisions~~ of this
239 part, in any county as defined in s. 125.011(1), each project,
240 building, or facility which has been ~~or will be~~ financed by the
241 issuance of bonds or other evidence of indebtedness before July
242 1, 2014, and that does not pledge the full faith and credit of
243 the state under this part and any refinancing thereof is
244 approved for purposes of s. 11(f), Art. VII of the State
245 Constitution.

246 Section 5. This act shall take effect upon becoming a law.